

matter contained therein. The Examiner also objected to the drawings under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. Accordingly, applicant submits herewith corrected drawing sheets in compliance with 37 CFR 1.121(d). The disclosure was objected to because applicant did not provide antecedent basis in the specification for “means for generating an audiovisual stimulus comprising a flash bulb.” The claim in question has been amended so as to render such objection moot.

With respect to the claims, the Examiner rejected claims 21 and 25 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 10 and 11 were rejected under 35 U.S.C §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 13-15 were also rejected under 35 U.S.C §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The language of claims 10, 13 and 15 has been amended so as to overcome these objections.

Finally, the Examiner also rejected claims 1-3, 10-15 and 21 under 35 U.S.C. §103(a) as being unpatentable over Steer (U.S. Patent No. 5,343,850) in view of Zinsser (U.S. Patent No. 2,844,710). Claims 1-3, 8-15, 21 and 25 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Steer (U.S. Patent No. 5,343,849) in view of Zinsser (U.S. Patent No. 2,844,710). Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Steer and Zinsser in view of Song (U.S. Patent No. 5,229,531).

Claim 1, as amended, now provides for:

1. A projectile launcher comprising:

at least one projectile;
an elongated barrel for receiving said at least one projectile;
means for forcibly launching said projectile from said barrel towards a target; and
means for generating an audiovisual stimulus at about the same time as the launch
of said at least one projectile, wherein said audiovisual stimulus comprises a momentary
visual stimulus that serves to distract, disorient or startle potential targets of said
projectile.

The significance of the subject invention as defined by Claim 1 (amended) is that it provides a projectile launcher capable of firing at least one projectile while simultaneously generating an audiovisual stimulus comprising a brief visual stimulus that serves to distract, disorient or startle potential targets of the projectile.

The references cited by the Examiner fail to teach or suggest such a unique combination. The patents to Steer (U.S. Patent Nos. 5,343,850 and 5,343,849) were cited by the Examiner to show a projectile launcher having an elongated barrel and means for forcibly launching the projectile, said means being a hand operated pressurized air bellows. Applicant is not claiming such a device, but rather a projectile launcher that includes a means for generating an audiovisual stimulus, which stimulus comprises a brief flash or strobe of light designed to distract, disorient or startle the target for the projectile, thereby causing them to freeze momentarily making the likelihood that the projectile will strike the target to be improved.

The Examiner acknowledges that neither Steer patent discloses the means for generating an audiovisual stimulus at about the same time as the launch of the projectile and as therefore cited the Zinsser patent to show the use of a trigger-actuated light bulb. The Examiner argues that at the time of the invention, one of ordinary skill in the art would have found it obvious to provide the projectile launcher with the trigger-actuated audiovisual stimulus of Zinsser.

According to the Examiner, the “suggestion/motivation for doing so would have been to mark the spot at which the launcher would be directed.”

Applicant agrees that the motivation for including the flash light in Zinsser is indeed to mark the spot at which the launcher would be directed. The Zinsser patent specifically references such purpose for the device, *i.e.*, “to mark by a small spot of light the point at which a firearm is directed at any particular moment.” (Col. 1, ll. 21-23). It should be appreciated that the purpose of the visual stimulus of the present invention is entirely different, and that the Zinsser reference actually teaches away from the intended purpose of applicant’s visual stimulus. In applicant’s device, the visual stimulus comprises a brief or momentary flash of light that is not meant to pinpoint the trajectory of the projectile, which would be almost impossible due to the velocity at which the projectile is launched, nor is it even meant to generally illuminate an area and allow the operator of the launcher to sight the launcher or aim at the target. On the contrary, the visual stimulus of the present invention is intended to be only a brief or momentary flash of light, such as from a strobe light, which flash is solely intended to disorient or startle the target.

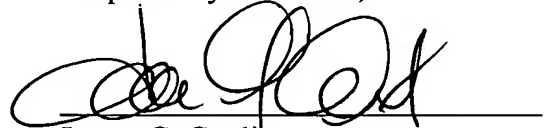
The reference to Song which was also cited by the Examiner also fails to teach or even suggest the unique combination of a projectile launcher with a means for generating a momentary visual stimulus so as to disorient or startle a target as contemplated by the claims, as amended, of the present application.

The prior art made of record and not relied upon has also been considered by applicants and has been found to be no more relevant than the prior art relied upon by the Examiner.

For the aforementioned reasons, applicant submits that amended claim 1 patentably distinguishes over the references cited by the Examiner taken alone or in combination. None of these references teach or suggest the unique combination of a projectile launcher capable of firing at least one projectile while simultaneously generating an audiovisual stimulus comprising a brief visual stimulus that serves to distract, disorient or startle potential targets of the projectile. Applicant further submits that dependent claims 2-3, 8-15 and 21 patentably distinguish over the references of record for the same reason as claim 1 (amended), and are therefore also in condition for immediate allowance. Claim 25 is a independent claim that includes all of the limitations of the base claim 1 as well as many of the limitations of dependent claims 2-3, 8-15 and 21, and therefore patentably distinguishes over the references of record for the same reasons.

In light of the amendments and remarks, applicant respectfully submits that this application is now in condition for allowance, and an early Notice of Allowance is hereby respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James G. Coplit', is written over a horizontal line.

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